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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/515,872 | 02/29/2000 | Isabelle Morvan | 1807.1094 | 1542 |
| 5514 | 7590 | 08/09/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | WINDER, PATRICE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2145 | |

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/988,653 | ISOYAMA, KAZUHIKO | |
| | Examiner | Art Unit | |
| | Nghi V. Tran | 2151 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-72 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/20/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Hultgren, U.S. Patent No. 6,134,589.

4. With respect to claims 1 and 37, Hultgren teaches a QoS server [20 i.e. QSC server], which is used in a network system [see abstract] comprising:

- a network, main signal gateways [24T i.e. a plurality of intermediate telephony nodes] for accommodating outside networks in the network and executing

conversion of main signals between the network and the outside networks [fig.1], a call setup server for setting up a call [col.2, ln.52 - col.3, ln.61], and signaling gateways for executing conversion of signaling signals between the call setup server and the outside networks [figs.1-2], including:

- a network monitoring section for monitoring the network state [col.5, ln.9-56];
- a network state database [85 i.e. link current status database] for storing network state information obtained at the network monitoring section [see table 2];
- a resource allocation computing section [see table 4 i.e. connection parameter table] for computing resource allocation for applications based on resource requirements with reference to the network state information [col.10, ln.5 - col.11, ln.57];
- a resource allocation database [84 i.e. route map database] for storing resource allocation information [col.5, ln.9 - col.6, ln.67 and see table 1]; and
- a network setup section [83 i.e. session database] for setting up resource allocation on the network based on the resource allocation information [fig.2].

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5. With respect to claims 2 and 38, Hultgren further teaches resource allocation is conducted based on the resource requirements from a resource requiring section that makes resource requirements located in the call setup server [col.7, ln.29 - col.8, ln.65].
6. With respect to claims 3 and 39, Hultgren further teaches resource allocation is conducted based on the resource requirements from a resource requiring section that makes resource requirements located in the main signal gateway [col.7, ln.29 - col.8, ln.65].
7. With respect to claims 7-12 and 43-48, Hultgren further teaches previously obtains traffic requirements and resource requirements to compute path and resource allocation, and conducts path and resource allocation before a call arrives on the network [col.1, ln.53 -col.2, ln.16 and col.7, ln.29 - col.8, ln.65].
8. With respect to claims 13-18 and 49-54, Hultgren further teaches obtains traffic requirements and resource requirements of calls to compute path and resource allocation for an aggregate of calls, and conducts path and resource allocation [fig.5].
9. With respect to claims 19-24 and 55-60, Hultgren further teaches obtains traffic requirements and resource requirements of additional aggregate calls, when the number of connected calls exceeds a certain threshold, to re-compute path and

resource allocation, and renews the threshold after additional path and resource allocation [col.10, ln.20 - col.12, ln.2].

10. With respect to claims 25-30 and 61-66, Hultgren further teaches obtains a request for resource release for aggregate calls when the number of connected calls underruns a certain threshold, and renews the threshold after resource release [col.7, ln.29 - col.8, ln.48].

11. With respect to claims 31-36 and 67-72, Hultgren further a user information database [82 i.e. customer database] for storing the resource requirements, which monitors traffic flow corresponding to the allocated resources [col.12, Ins.13-41 and col.13, ln.17 - col.14, ln.27], and when detecting that the required quality is not satisfied, re-computes path and resource allocation with reference to the user information database to alter path and resource allocation [col.6, ln.5 - col.8, ln.65].

12. With respect to claims 4 and 40, Hultgren teaches a QoS server [20 i.e. QSC server], which is used in a network system [see abstract] comprising:

- a network being connected to outside networks [fig.1], and a policy server [fig.4 i.e. an intermediate node has a configuration partially represented by traffic manager/scheduler which is connected to scheduler database] for deciding a policy for the network and setting up resource allocation on the network [col.4, Ins.10-65], including:

- a network monitoring section for monitoring the network state [col.5, ln.s.9-56];
- a network state database [85 i.e. link current status database] for storing network state information obtained at the network monitoring section [see table 2]; and
- a resource allocation computing section [see table 4 i.e. connection parameter table] for computing resource allocation for applications based on resource requirements with reference to the network state information and notifying the policy server of resource allocation information [col.10, ln.5 - col.11, ln.57].

13. With respect to claims 5 and 41, Hultgren further teaches resource allocation is conducted based on the resource requirements from a resource requiring section that makes resource requirements located in the policy server [col.4, ln.10 - col.5, ln.56].

14. With respect to claims 6 and 42, Hultgren teaches a QoS server [20 i.e. QSC server] for setting up resource allocation on a network which is connected to outside networks [see abstract and fig.1], including:

- a network monitoring section for monitoring the network state [col.5; ln.s.9-56];
- a network state database [85 i.e. link current status database] for storing network state information obtained at the network monitoring section [see table 2];

- a user information database [82 i.e. customer database] for storing setup information [col.6, ln.5 - col.8, ln.65];
- a resource requiring section for making resource requirements with reference to the network state information in the network state database and the setup information in the user information database [83 i.e. session database];
- a resource allocation computing section [see table 4 i.e. connection parameter table] for computing resource allocation for applications based on the resource requirements with reference to the network state information [col.10, ln.5 - col.11, ln.57];
- a resource allocation database [84 i.e. route map database] for storing resource allocation information [col.5, ln.9 - col.6, ln.67 and see table 1]; and
- a network setup section [83 i.e. session database] for setting up resource allocation on the network based on the resource allocation information [fig.2].

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. "Multiple call waiting in a packetized communication system," by KUNG et al., U.S. Patent Application Publication No. 2003/0133558.
 - b. "Quality of service management for voice over packet network," by Finberg, U.S. Patent No. 6,798,745.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER